

In the Matter of THE BASTIAN-BLESSING COMPANY and INTERNATIONAL ASSOCIATION OF MACHINISTS, DIE AND TOOL MAKERS LODGE 113

Case No. 13-R-3292.—Decided February 13, 1946

Pyffe & Clarke, by *Mr. Albert J. Smith*, of Chicago, Ill., for the Company.

Messrs. E. J. Reid, B. H. Skidmore, and R. Paquet, of Chicago, Ill., for the Union.

Mr. Charles B. Slaughter, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Association of Machinists, Die and Tool Makers Lodge 113, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of The Bastian-Blessing Company, Chicago, Illinois, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Clarence A. Meter, Trial Examiner. The hearing was held at Chicago, Illinois, on December 19, 1945. The Company and the Union appeared and participated.¹ All parties were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Bastian-Blessing Company is an Illinois corporation engaged in the manufacture of machinery for the carbonic gas industry, main-

¹ International Union of Mine, Mill & Smelter Workers, C. I. O., also served with notice, did not appear.

taining its offices and plant in Chicago, Illinois. During the calendar year 1944, the Company purchased raw materials consisting principally of brass, aluminum, and grey iron castings valued in excess of \$50,000, of which over 50 percent was shipped to the plant from points outside the State of Illinois. For the same period, the Company sold finished products valued in excess of \$75,000, of which over 50 percent was shipped from the plant to points outside the State of Illinois:

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

International Association of Machinists, Die and Tool Makers Lodge 113, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of employees in the toolroom until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union seeks a unit consisting of all employees of the toolroom excluding the timekeeper, foreman, assistant foremen, and grinder supervisor. The Company takes no position with respect to the appropriateness of a separate unit of toolroom employees. However, if the Board finds such a unit to be appropriate, the Company agrees that the timekeeper, foreman, assistant foremen, and grinder supervisor be excluded therefrom.

The function of the toolroom is to make tools for use in the Company's production operations. The job classifications of the employees in the department include tool makers, tool grinders, die makers, machine hands, bench hands, learners, and trainees. The department occupies a corner of one of the floors at the plant, being separated therefrom by a wire fence, and is under the separate supervision of

² The Field Examiner reported that the Union submitted 16 application cards, bearing the names of 14 employees listed on the Company's pay roll for the toolroom. There are approximately 21 employees in the appropriate unit.

the toolroom foreman. The employees are more highly skilled than the employees in the rest of the plant, their wage scales ranging from 45 to 50 percent higher. Transfers of employees between the toolroom and the rest of the plant are infrequent. Transfers from the rest of the plant to the toolroom occur when employees in the production departments of higher capability indicate their desire to be transferred. There has been no history of bargaining for any of the employees of the plant. The Union has confined its organizational activities to the employees of the toolroom.

Upon the basis of the above facts, and upon the entire record in these proceedings, we conclude that the employees of the toolroom are a homogeneous group of workers having skills and interests which differ from those of the other employees at the plant and may therefore be effectively represented for bargaining purposes in a separate unit.³

We find that all employees of the toolroom of the Company at its Chicago, Illinois, plant, but excluding the timekeeper, foreman, assistant foremen, grinder supervisor, and all or any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with The Bastian-Blessing Company, Chicago, Illinois, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Thirteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject

³ See *Matter of Allis-Chalmers Manufacturing Company, Supercharger Works*, 54 N. L. R. B. 1587.

to Article III, Sections 10 and 11, of said Rules and Regulations, among employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by International Association of Machinists, Die and Tool Makers Lodge 113, for the purposes of collective bargaining.